

## 21 C.J.S. Courts § 230

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### Courts

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### VI. Rules of Adjudication, Decisions, and Opinions

#### B. Stare Decisis

##### 5. Nature of Prior Decisions

## § 230. Advisory opinions—Attorney general opinions

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

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**Opinions of a state attorney general are not binding precedents although the court may give them persuasive effect in the absence of controlling authority.**

Opinions of a state attorney general are not binding precedents,<sup>1</sup> although the court may give them persuasive effect<sup>2</sup> in the absence of controlling authority,<sup>3</sup> as when used as an aid in construing legislative intent.<sup>4</sup> A federal court of appeals may owe deference to legal interpretations of the attorney general that are based on a permissible statutory construction.<sup>5</sup> Whether the court will follow an attorney general's opinion depends upon its own view of the soundness of the opinion's reasoning and the correctness of its conclusion.<sup>6</sup>

### CUMULATIVE SUPPLEMENT

#### Cases:

Absent controlling authority, an Attorney General's opinion is persuasive because the court presumes that the Legislature was cognizant of the Attorney General's construction of a statute and would have taken corrective action if it disagreed with that construction. [Towner v. County of Ventura](#), 63 Cal. App. 5th 761, 277 Cal. Rptr. 3d 891 (2d Dist. 2021), review denied, (Aug. 18, 2021).

**[END OF SUPPLEMENT]**

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Footnotes

- 1 Ariz.—*Logan v. Forever Living Products Intern., Inc.*, 203 Ariz. 191, 52 P.3d 760 (2002).  
Ark.—*Arkansas Professional Bail Bondsman Licensing Bd. v. Oudin*, 348 Ark. 48, 69 S.W.3d 855 (2002).  
Conn.—*Starks v. University of Connecticut*, 270 Conn. 1, 850 A.2d 1013 (2004).  
Ind.—*McPeck v. McCardle*, 888 N.E.2d 171 (Ind. 2008).  
Kan.—*McCraw v. City of Merriam*, 271 Kan. 912, 26 P.3d 689 (2001).  
Md.—*Public Service Com'n of Maryland v. Wilson*, 389 Md. 27, 882 A.2d 849 (2005).  
Mich.—*Danse Corp. v. City of Madison Heights*, 466 Mich. 175, 644 N.W.2d 721 (2002).  
Miss.—*Madison County v. Hopkins*, 857 So. 2d 43 (Miss. 2003).  
Nev.—*Blackjack Bonding v. City of Las Vegas Municipal Court*, 116 Nev. 1213, 14 P.3d 1275 (2000).  
Vt.—*Okemo Mountain, Inc. v. Town of Ludlow*, 171 Vt. 201, 762 A.2d 1219 (2000).  
Va.—*Nejati v. Stageberg*, 286 Va. 197, 747 S.E.2d 795 (2013).
- 2 Ala.—*Alabama Dept. of Public Safety v. Barbour*, 5 So. 3d 601 (Ala. Civ. App. 2008).  
Ariz.—*Dowling v. Stapley*, 218 Ariz. 80, 179 P.3d 960, 230 Ed. Law Rep. 794 (Ct. App. Div. 1 2008).  
Cal.—*Sisemore v. Master Financial, Inc.*, 151 Cal. App. 4th 1386, 60 Cal. Rptr. 3d 719 (6th Dist. 2007).  
Wis.—*Juneau County Star-Times v. Juneau County*, 2013 WI 4, 345 Wis. 2d 122, 824 N.W.2d 457 (2013).
- 3 Cal.—*Sisemore v. Master Financial, Inc.*, 151 Cal. App. 4th 1386, 60 Cal. Rptr. 3d 719 (6th Dist. 2007).
- 4 Va.—*Nejati v. Stageberg*, 286 Va. 197, 747 S.E.2d 795 (2013).
- 5 U.S.—*Lawrence v. Holder*, 717 F.3d 1036 (9th Cir. 2013) (immigration case).
- 6 Ala.—*Alabama Dept. of Public Safety v. Barbour*, 5 So. 3d 601 (Ala. Civ. App. 2008).

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